

REMARKS

By this Amendment, Applicants have canceled claims 13, 31, and 49, without prejudice or disclaimer of the subject matter contained therein, and amended claims 1, 2, 12, 16, 19, 20, 30, 34, 37, 38, 48, and 52, to correct typographical errors and/or more appropriately claim the invention. No new matter has been added. Claims 1-12, 14-30, 32-48, and 50-54 remain pending.

In the Office Action dated March 30, 2004, the Examiner rejected claims 1-54 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,401,085 (“*Gershman*”). Applicants respectfully traverse this rejection.

Independent claims 1, 12, 16, 19, 30, 34, 37, 48, and 52 are patentably distinguishable from *Gershman*. For example, independent claim 1 recites a method for providing solicitations and web-based offers and receiving corresponding responses thereto. The method includes providing a solicitation to a set of users sharing pre-selected characteristics, where the solicitation includes an offer code and a universal resource locator (URL) corresponding to a web site. A request to access the web site through the URL is then received, as well as the offer code via the accessed web site. Claim 1 further recites providing, via the accessed web site, an offer corresponding to the received offer code and receiving, via the accessed web site, a response to the offer from a user.

Gershman, in contrast, merely discloses the use of “software agents” to gather information of interest to a user and presenting that information to the user via a wireless device, such as a personal digital assistant. See Abstract, 2:60-3:11, 14:45-65, 38:53-41:4, and FIG. 25.

Thus, *Gershman* does not disclose or suggest at least a solicitation including an offer code corresponding to a web site, as recited in independent claims 1, 12, 16, 19, 30, 34, 37, 48, and 52. As a result, *Gershman* wholly fails to disclose or suggest at least each of the other elements of the claim requiring the “offer code.” For example, *Gershman* does not disclose or suggest receiving “the offer code via the accessed website” and then providing offers corresponding to the received offer code, as recited in claims 1, 19, and 37. Nor does *Gershman* disclose or suggest at least “entering the offer code via the accessed web site” and then “receiving, via the accessed web site, a set of offers based on the entered offer code,” as recited in claims 12, 30, and 48. And *Gershman* certainly does not disclose or suggest at least “a host web site including a prompt for [the] offer code,” “receiving the offer code at the prompt,” and “displaying a set of unique offers corresponding to the received offer code,” as recited in claims 16, 34, and 52.

Indeed, the Examiner expressly recognizes the failure of *Gershman* to disclose the claimed “offer code.” Specifically, on page 2 of the Office Action, the Examiner takes Official Notice that the feature of a “code” is well known in the e-commerce art and/or retail art and alleges that it would have been obvious to implement this feature “for the advantage of security.” Applicants respectfully challenge the Official Notice and requests that, if this position is maintained with respect to the pending claims, the Examiner either cite a competent prior art reference to substantiate such a conclusion, or allow the claims.

Further, even if the feature of a “code” is well known in the e-commerce and/or retail arts (which it is not), the combination of such a code with *Gershman* would utterly

fail to yield the invention recited in independent claims 1, 12, 16, 19, 30, 34, 37, 48, and 52. At best, such a combination would merely produce a system for gathering information of interest to a user and presenting the gathered information to the user via a wireless device, whereby the system would require a password for login. This combination does not teach or suggest, for example, at least providing a solicitation to a set of users sharing pre-selected characteristics, incorporating in the solicitation at least an offer code and a universal resource locator (URL) corresponding to a web site, receiving a request to access the web site, providing an offer, and receiving responses to the offer, as recited in claim 1.

Accordingly, because the cited reference fails to teach or suggest all elements of independent claims 1, 12, 16, 19, 30, 34, 37, 48, and 52, Applicants request withdrawal of the rejection of those claims. Applicants also request withdrawal of the rejection of claims 2-11, 14, 15, 17, 18, 20-29, 32, 33, 35, 36, 38-47, 50, 51, 53, and 54 at least because they respectively depend upon allowable independent claims, in addition to the patentable subject matter respectively recited therein.

CONCLUSION

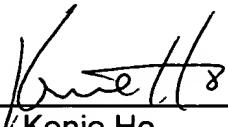
In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 29, 2004

By: 
Kenie Ho
Reg. No. 51,808